

### **REMARKS**

Claims 1-21 are pending in the application. Applicant amends claims 1-3, 11-13, and 21 for further clarification. No new matter has been added.

Claims 1, 11, 13-14, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,530,032 to Shew et al. in view of U.S. Patent Application Publication No. 2002/0060985 to Lee et al.; claims 2-5, 7-10, 12, 15, and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lee et al.; and claims 6 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Applicant's Admitted Prior Art ("AAPA"). Applicant amends claims 1-3, 11-13, and 21 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverses the rejections.

Again, Lee et al. describe a label switching router (LSR) 6 sensing a failure occurring in a link between the LSR 6 and a LSR 8, and loops back a traffic stream in a reverse direction. Fig. 4 and paragraph [0033] of Lee et al.

In rejecting claim 5, the Examiner apparently relied upon the description in Lee et al. of loopbacks in response to multiple failures as allegedly disclosing the claimed features of LSPs being grouped into a unit for switching from a working path to a recovery path. Page 7, lines 11-16 of the Office Action. Lee et al., as cited and relied upon by the Examiner, only describe, however, looping back respective traffic in response to multiple failures, and a corresponding FIS message sent downstream to notify such multiple failures so that a particular loopback is diverted from the multiple failures:

“The LSR 4 receiving the FIS transfers the loop-backed message toward the LSR13, so as to perform the fast rerouting in the plurality of links.” Paragraph [0040] of Lee et al.

Thus, Lee et al., as cited and relied upon by the Examiner, at least fail to disclose the claimed feature of a failure message including LSPs passing traffic on a working path to be switched to a recovery path, where the LSPs are processed as a protection group.

In other words, Lee et al., as cited and relied upon by the Examiner, fail to disclose,

“[a] label switching router that carries out multiprotocol label switching (MPLS) on an internet protocol (IP) network, comprising a path switching label switching router (PSL) that switches from a working path to a recovery path, the PSL selecting another label switching router having an IP address indicating two or more stages downstream when the PSL receives a failure message via a control label switched path (LSP), the other label switching router serving as a path merging label switching router (PML) that receives signals from both the working path and the recovery path, wherein the failure message includes LSPs passing traffic on the working path to be switched to the recovery path, the LSPs being processed as a protection group,” as recited in claim 2. (Emphasis added)

Accordingly, Applicant respectfully submits that claim 2, together with claims 3-10 dependent therefrom, is patentable over Lee et al. for at least the foregoing reasons. Claim 12 incorporates features that correspond to those of claim 2 cited above, and is, therefore, together with claims 15 and 17-20 dependent therefrom, patentable over Lee et al. for at least the same reasons. The Examiner relied upon AAPA to specifically address the additional features recited in claims 6 and 16, which depend from claims 2 and 12, respectively. Thus, a combination of Lee et al. and AAPA would still have failed to cure the above-described deficiencies of Lee et al. with respect to claim 2, even assuming, arguendo, that such a combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 6 and 16 are patentable over the cited references for at least the above-stated reasons.

Correspondingly, the Examiner relied upon Shew et al. as a combining reference to specifically address the additional features recited in claims 1, 11, 13-14, and 21, of which

claims 13-14 depend from claim 12 and claims 1, 11, and 21 also incorporate features that correspond to those of claim 2 cited above. Thus, a combination of Shew et al. and Lee et al. would still have failed to cure the above-described deficiencies of Lee et al. with respect to claims 2 and 12, even assuming, arguendo, that such a combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicant respectfully submits that claims 1, 11, 13-14, and 21 are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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